

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

BRENDA CEARLEY,

Case No. 3:14-cv-384

Plaintiff,

Judge Thomas M. Rose

Chief Magistrate Judge Sharon L. Ovington

v.

CAROLYN W. COLVIN, ACTING
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ENTRY AND ORDER: (1) GRANTING THE JOINT MOTION FOR
REMAND TO THE COMMISSIONER (DOC. 12); (2) VACATING THE PRIOR
NON-DISABILITY FINDING; (3) REMANDING THIS CASE TO THE
COMMISSIONER UNDER THE FOURTH SENTENCE OF 42 U.S.C. § 405(g)
FOR PROCEEDINGS CONSISTENT WITH THIS ORDER; AND
(4) TERMINATING THIS CASE ON THE COURT'S DOCKET**

This Social Security disability benefits appeal is before the Court on the parties' Joint Motion For Remand to the Commissioner of Social Security (Doc. 12) pursuant to Sentence Four of Section 205 of the Social Security Act, 42 U.S.C. § 405(g). Due notice having been given, and the Court being fully advised, it is hereby ORDERED that:

- (1) The Joint Motion For Remand (Doc. 12) is GRANTED;
- (2) The Commissioner's prior non-disability finding shall be VACATED;
- (3) This case shall be REMANDED to the Commissioner for further administrative proceedings pursuant to Sentence Four of Section 205 of the Social Security Act, 42 U.S.C. § 405(g), including evaluation of the evidence from Plaintiff's treating physician Channhu Trinh, M.D., and reconsideration whether Plaintiff's mental impairments constituted a severe impairment; and
- (4) This case is TERMINATED on this Court's docket.

DONE and **ORDERED** in Dayton, Ohio, this Monday, June 29, 2015.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE